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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/549,741

08/31/2006

Thomas Gramkow

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7041

41288 7590 02/10/2009

PATENT CENTRAL LLC
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EXAMINER

RAEVIS, ROBERT R

ART UNIT

PAPER NUMBER

2856

MAIL DATE

DELIVERY MODE

02/10/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/549,741	Applicant(s) GRAMKOW ET AL.	
	Examiner Robert R. Raevis	Art Unit 2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-23 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-16 and 22 is/are allowed.
- 6) ☒ Claim(s) 17-21 and 23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

The disclosure is objected to because of the following informalities: the “27” (p. 11, line 7 from last) should be deleted, as that numeral is used in the specification and drawing for spring 27.

Appropriate correction is required.

Claim 21 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

As to claim 21, where is either the rate of the volumetric flow or force set in the written specification? Aren’t those two parameters measured, and thus not set (i.e. fixed)? How can the force possibly be set, as base claim 14 calls for a constant displacement speed, suggestive of a variable force?

Claims 17-20,23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 17,18, the “characteristic curve or curves” all lack antecedent basis.

As to claim 20, “the plotted values” lack antecedent basis.

As to claim 23, how is the “displaceable control piston” (lines 3-4) part of the “test bench” (line 1)? Isn’t the piston part of a valve 1 to be tested? The “test medium” lacks

antecedent basis. Is “the hydraulic valve (1)” one of the “hydraulic valves (1)”? (Should “the hydraulic valve” read – a hydraulic valve--?)

Claim 23 is rejected under 35 U.S.C. 102(b) as being anticipated by Skinner.

Skinner teaches (Figures 1,5) an apparatus, including: air pressure intake port 30 (i.e. connection); air pressure outlet port 32 (i.e. connection); user ports 34,36; and displaceable piston 26 to control flow of air from 30 to 32,34,36. The apparatus is adapted for testing of the valve.

Skinner does not describe the method which the apparatus is adapted to carry out.

As to claim 23, the apparatus is capable of carrying out the described method steps of claim 23, and thus is so adapted. Also, the fluid lines are connected to the valve, and thus the connections at the valve are capable of being connected to a reservoir, and thus the connections to the valve may be called reservoir connections.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Trui et al teach testing a valve 65 that is actuated by air with a limit switch 74.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert R. Raevis whose telephone number is 571-272-2204. The examiner can normally be reached on Monday to Friday from 5:30am to 3pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams, can be reached on 571-272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Robert R. Raevis/

Primary Examiner, Art Unit 2856